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Crl.OP.No.15678 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.15678 of 2022

Dineshkumar

..Petitioner/ accused

Vs.

State rep. by

Inspector of Police,

Traffic Investigation Wing-C-1 Flower Bazaar,

Chennai(TIW-North)

crime No.51 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in crime No.51 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.Mohamed Riyaz

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 15.06.2022 for the offences punishable under Sections 279,



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308 of IPC and Section 185 of M.V.Act, 1988 altered into Sections 279, 304(ii) of IPC and Section 185 of M.V.Act, 1988 in crime No.51 of 2022 on the file of the respondent police, seeks bail

2. The case of the prosecution is that on 15.06.2022 at about 9.00 hrs, near Rajaji Salai Harbour Gate No.5, the petitioner had driven his two wheeler bearing registration No.TN 03 AD 5274 in a rash and negligent manner under influence of alcohol and dashed a pedestrian one, Bhavani, thereby she sustained injury. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the complainant is the daughter of the deceased and the petitioner while driving his vehicle under the influence of alochol, dashed against the deceased, thereby she sustained injury and she was admitted in the



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hospital. However, she died. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner caused accident due to the influence of alcohol and therefore, offences have been altered into under Section 304(ii) of IPC. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 15.06.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned VII Metropolitan Magistrate, George Town, Chennai and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for



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interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned VII Metropolitan Magistrate,
George Town, Chennai
- 2.Inspector of Police,
Traffic Investigation Wing-C-1 Flower Bazaar,
Chennai(TIW-North)
- 3.Central Prison-II,
Puzhal, Chennai
- 4.The Public Prosecutor,
High Court of Madras

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